



Paper No. 5

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AUG 05 2002

OFFICE OF PETITIONS

In re Application of
MACALLISTER, et al.
Application No. 10/050,883
Filed: November 9, 2001
Attorney Docket No. Mac11081

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ON PETITION

This is a decision on the papers styled, "Petition To Contend Omitted Items Were In Fact Deposited In The US Patent And Trademark Office," filed on June 4, 2002 (Certificate of Mailing Date: May 14, 2002), which is being treated as a petition under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of November 9, 2001, including Figures 7 - 10 as described in the specification.

The application was filed on November 9, 2001. On March 15, 2002, the Office of Initial Patent Examination (OIPE) mailed a "Notice To File Missing Parts Of Nonprovisional Application," that stated the application had been accorded a filing date, but Figures 7 - 10 as described in the specification appear to have been omitted.

In response, on June 4, 2002, the instant petition and a copy of Figures 7 - 10 as described in the specification were submitted. The papers were accompanied by a copy of applicant's postcard receipt that acknowledges receipt of four (4) sheets of drawings on November 9, 2001. The four (4) sheets of drawings contain Figures 1 - 10, with the fourth sheet of drawings containing Figures 7 - 10. A review of the application file indicates the presence of only three (3) sheets of drawings with the fourth sheet containing Figures 7 - 10 missing. It is assumed that the fourth sheet of drawings containing Figures 7 - 10 was misplaced by the Office.

In view of the above, the petition is granted.

The \$130.00 petition fee submitted on June 4, 2002 will be refunded by treasury check.

This application will be returned to OIPE for further processing with a filing date of November 9, 2001, using the copy of Figures 7 - 10 as described in the specification, supplied on June 4, 2002.

Telephone inquiries concerning this matter may be directed to Petitions Attorney Edward Tannouse at (703) 306-9200.



Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND										
1 Date of Request: <u>7/26/02</u>		2 Serial/Patent # <u>10/050,883</u>								
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT						
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<input checked="" type="checkbox"/>	Petition	<u>B</u>	<u>6-4-02</u>	\$ <u>130</u>						
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10 REASON:		<input checked="" type="checkbox"/> Treasury Check								
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11 REFUND REQUESTED BY:										
TYPED/PRINTED NAME: <u>E. Tannouse</u>		TITLE: <u>Pet-Atty.</u>								
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